

UNION PACIFIC RAILROAD  
101 N. Wacker Dr., Rm. 1920  
Chicago, Illinois 60606-1718

Mack H. Shumate, Jr. Senior General Attorney, Law Department

P 312 777 2055  
F 312 777 2065

Office of Proceedings

JAN 31 2011

Part of  
Public Record

January 31, 2011

228716

**VIA E-FILE**

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E. Street, S.W., Room #100  
Washington, DC 20423-0001

**FILED**

JAN 31 2011

**SURFACE  
TRANSPORTATION BOARD**

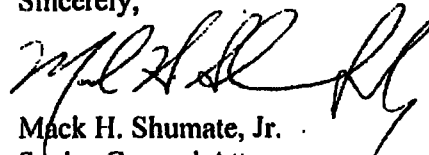
**Re: Proposed Abandonment and Discontinuance of Service over the Lexington Industrial Lead from Milepost 246.49 near Myrick to Milepost 243.58 near Lexington, a distance of 2.91 miles in Lafayette County, Missouri; STB Docket No. AB-33 (Sub-No. 297X)**

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years, (49 C.F.R. 1152.50), I am hereby e-filing a verified Notice of Exemption, including a Certificate of Service and Publication for the above-referenced matter.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 297X). Enclosed is a credit card authorization form in the amount of \$3,600.00 for the filing fee.

Sincerely,



Mack H. Shumate, Jr.  
Senior General Attorney

Attachment

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**FEE RECEIVED**

JAN 31 2011

**SURFACE  
TRANSPORTATION BOARD**



**Before the**  
**SURFACE TRANSPORTATION BOARD**

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**Docket No. AB-33 (Sub-No. 297X)**

**UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN LAFAYETTE COUNTY, MISSOURI  
(LEXINGTON INDUSTRIAL LEAD)**

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**NOTICE OF EXEMPTION**

**UNION PACIFIC RAILROAD COMPANY**

**Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX**

**Dated: January 31, 2011  
Filed: January 31, 2011**

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Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 297X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN LAFAYETTE, MISSOURI  
(LEXINGTON INDUSTRIAL LEAD)

---

**NOTICE OF EXEMPTION**

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Lexington Industrial Lead from Milepost 246.49 near Myrick to Milepost 243.58 near Lexington, a distance of 2.91 miles in Lafayette County, Missouri (the "Line").

**Proposed Consummation Date: 49 C.F.R. § 1152.50 (d)(2)**

The abandonment is proposed to be consummated on or after March 22, 2011 (at least 50 days after filing the Notice of Exemption).

**Certification: 49 C.F.R. 1152.50(b)**

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period. UP further certifies that there is no overhead traffic on the Line.

**Additional Information Required: 49 C.F.R. 1152.22(a)(1) (4), (7)-(8) and (e)(4)**

**(a) General.**

**(a)(1)** The railroads' exact name is Union Pacific Railroad Company.

**(a)(2)** UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

**(a)(3)** UP intends to abandon the Line from Milepost 246.49 near Myrick to Milepost 243.58 near Lexington, a distance of 2.91 miles. The Line is located in Lafayette County, Missouri.

**(a)(4)** A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and hereby made a part hereof.

**(a)(7)** The representative to whom correspondence regarding this abandonment should be sent is:

Mack H. Shumate, Jr., Senior General Attorney  
Union Pacific Railroad Company  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

**(a)(8) ZIP Code.** The Line traverses U. S. Postal Service Zip Code 64067.

**(e)(4) Rural and Community Impact.** The Line was originally constructed in 1873 by the Wyandotte, Kansas City and Northwestern Railroad. The Line was originally constructed as narrow gauge, but widened to standard gauge in 1883. It is currently constructed with 75 pound jointed rail put down in 1911.

After the proposed abandonment, the Lexington area will continue to receive freight rail service from UP's River Subdivision. Barge service is available on the

Missouri River. Lexington is served by U.S. 24 and Missouri Highway 13. Missouri Highway 13 provides access to Interstate 70 approximately 20 miles south of Lexington.

The land proposed for abandonment is mostly reversionary. UP does not believe the property is suitable for public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines at the present time. The real property which makes up the right-of-way may be well suited for conservation uses.

Based on information in UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way. There will be no effect on regional or local transportation systems and patterns and diversion of traffic to other transportation systems or modes.

Documentation including real estate records relating to the Line in UP's possession, will be made available to those requesting it.

#### **Labor Protection**

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen , 360 ICC 91 (1979).

#### **Certifications**

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication prepared pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

#### **Environmental and Historic Report**

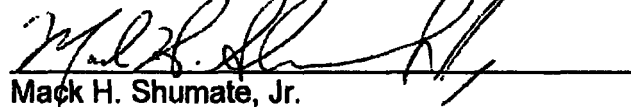
A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and is

hereby made a part hereof. The original was e-filed to the Honorable Cynthia T. Brown, Chief, Section of Administration, on January 11, 2011. There is only one structure on the Line that is fifty (50) years old or older. A copy of the Section 106 review from the Missouri State Historic Preservation Office dated December 13, 2010, which found that there are no historic properties affected by the proposed abandonment, was submitted to the Board's Section of Environmental Analysis ("SEA") as Attachment 6 to UP's Combined Environmental and Historic Report and is attached hereto as **Exhibit D** and is hereby made a part hereof.

Dated this 31st day of January, 2011.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.

Senior General Attorney

101 North Wacker Drive, Room 1920

Chicago, Illinois 60606

(312) 777-2055

(312) 777-2065 FAX

**VERIFICATION**

STATE OF NEBRASKA )

) ss:


COUNTY OF DOUGLAS )

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company.

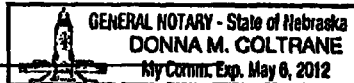
Dated at Omaha, Nebraska, this 28th day of July, 2010.

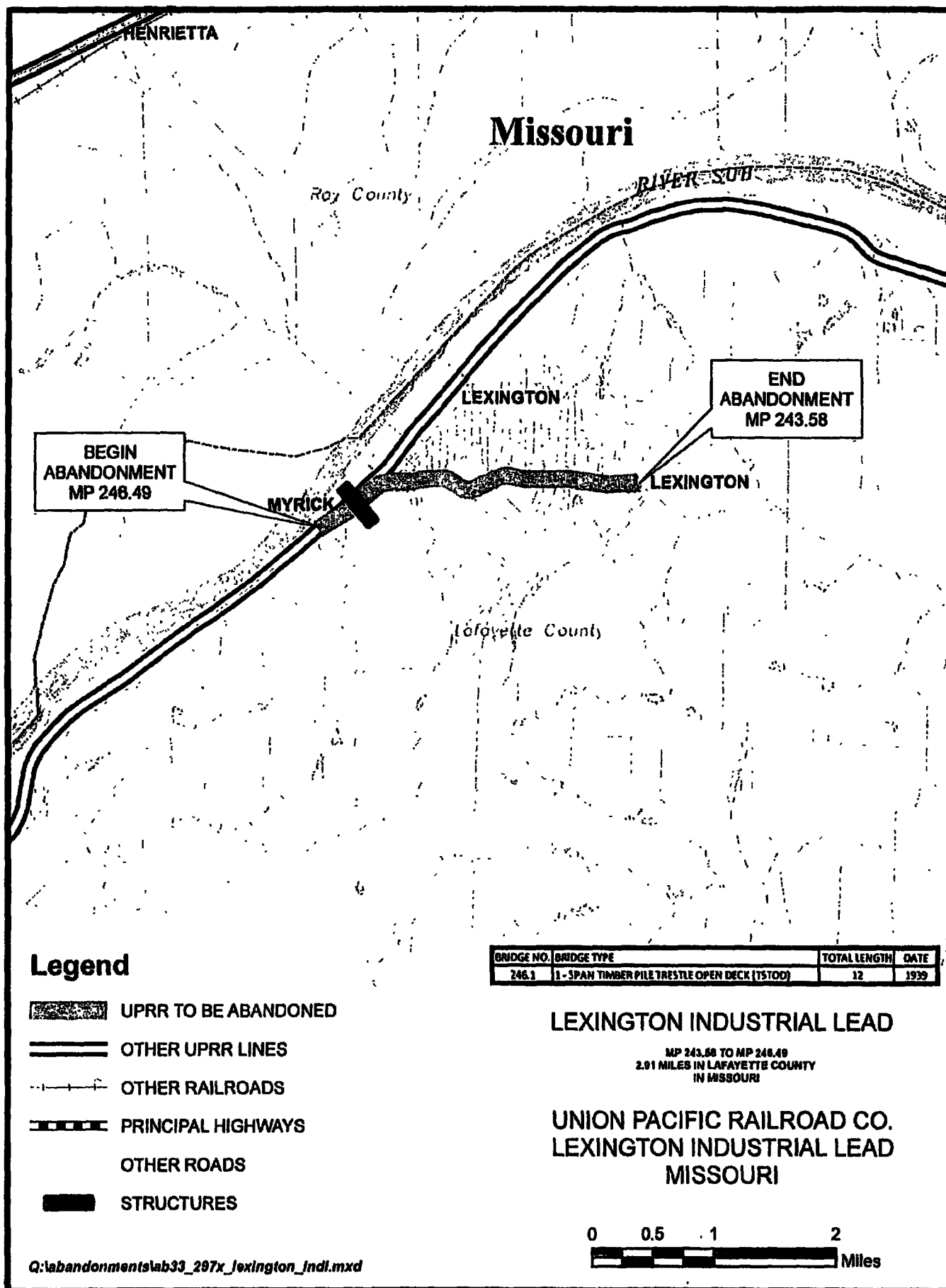
  
Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO  
before me this 28th day of  
July, 2010.

  
Notary Public

My Commission expires: \_\_\_\_\_







**UNION PACIFIC RAILROAD COMPANY**  
**--ABANDONMENT EXEMPTION--**  
**IN LAFAYETTE COUNTY, MISSOURI**  
**(LEXINGTON INDUSTRIAL LEAD)**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.50(d)(1) - Notice**

The undersigned certifies that on January 19, 2011 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the Notice of Exemption procedure to abandon the Lexington Industrial Lead from Milepost 246.49 near Myrick to Milepost 243.58 near Lexington, a distance of 2.91 miles in Lexington County, Missouri in Docket No. AB-33 (Sub-No. 297X). Written notice (a copy of which is attached) was served on the following:

Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102-0360

National Park Service  
Pacific West Region  
601 Riverfront Drive  
Omaha, NE 68102

U.S. Dept. of Agriculture  
Chief of the Forest Service  
4<sup>th</sup> Floor, N.W. Auditors Bldg.  
1400 Independence Ave., SW  
Washington, DC 20250

Department of Defense  
Surface Deployment Distribution  
Command (SDDC)  
Transportation ENGR. Agency  
Railroads for National Defense Program  
709 Ward Drive  
Scott Air Force Base, IL 62225

**49 C.F.R. § 1105.11—Environmental and Historic Report**

The undersigned certifies that on January 11, 2011 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 297X) for abandonment and discontinuance of the Lexington Industrial Lead in Lafayette County, Missouri on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

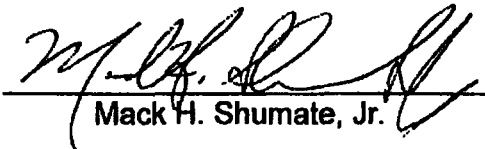
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

**49 C.F.R. § 1105.12 - Newspaper Notice**

The undersigned further certifies that a "Notice of Intent to Abandon" was published in the form prescribed by the Board for a Notice of Exemption. The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Lafayette	The Lexington News	January 26, 2011

Dated this 31st day of January, 2011.

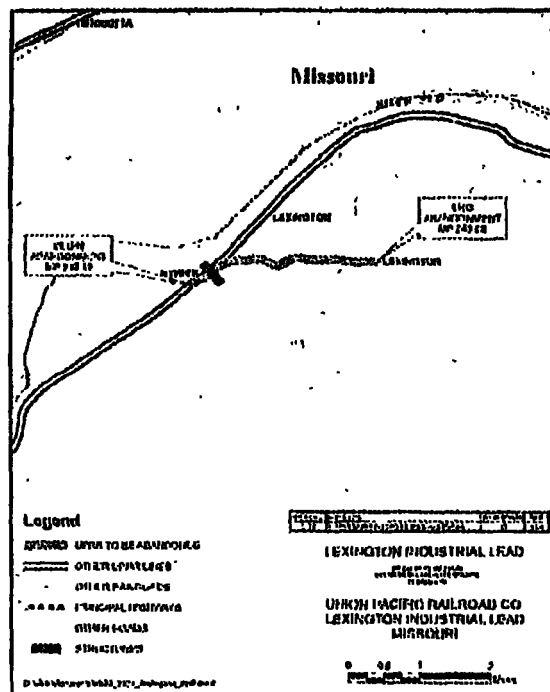
  
Mack H. Shumate, Jr.

**NOTICE OF INTENT TO ABANDON AND  
DISCONTINUE SERVICE**

UNION PACIFIC RAILROAD COMPANY ("UP") gives notice that on or after January 31, 2011 it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a Notice of Exemption under 49 C.F.R. Part 1152, Subpart F—Exempt Abandonments and Discontinuances, for an exempt abandonment of service of the portion of a line of railroad known as the Lexington Industrial Lead, located in Lafayette County, Missouri, extending from Milepost 246.49 near Myrick to Milepost 243.58 near Lexington. The line traverses U. S. Postal Service Zip Code 64067. The proceeding has been docketed as No. AB-33 (Sub-No. 297X).

The Board's Section of Environmental Analysis ("SEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a).], and one copy must be served on the applicant's representative. [See 49 CFR 1104.12(a).] Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (866) 254-1792. Copies of any comments or requests for conditions should be served on UP's: Mack Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, #1920, Chicago, Illinois 60606 (312) 777-2055. UNION PACIFIC RAILROAD COMPANY



**EXHIBIT C**

**UNION PACIFIC RAILROAD**  
101 N. Wacker Dr., Rm. 1920  
Chicago, Illinois 60606-1718

**Mack H. Shumate, Jr.** Senior General Attorney, Law Department

**P 312 777 2055**  
**F 312 777 2055**

**January 11, 2011**

**VIA E-FILE**

**The Honorable Cynthia T. Brown**  
**Chief, Section of Administration**  
**Surface Transportation Board**  
**395 E. Street, S.W., Room #100**  
**Washington, DC 20423-0001**

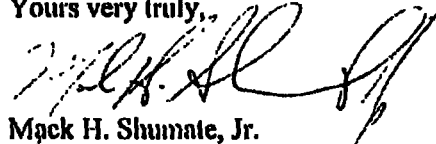
**Re: Proposed Abandonment of the Lexington Industrial Lead from Milepost 246.49 near Myrick to Milepost 243.58 near Lexington, a total distance of 2.31 miles in Lafayette County, Missouri; STB Docket No. AB-33 (Sub-No. 297X)**

**Dear Ms. Brown:**

**Attached for filing in the above-referenced docket is the Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.**

**Union Pacific anticipates filing a Petition for Exemption to Abandon the Line in this matter on or after January 31, 2011.**

**Yours very truly,**



**Mack H. Shumate, Jr.**  
**Senior General Attorney**

2011\_01\_11 STB-EHR Cover Ltr.doc



UNION PACIFIC RAILROAD  
101 N. Wacker Dr., Rm. 1920  
Chicago, Illinois 60606-1718

Mack H. Shumate, Jr. Senior General Attorney, Law Department

P 312 777 2055  
F 312 777 2055

January 11, 2011

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

**Re: Proposed Abandonment of the Lexington Industrial Lead from Milepost 246.49 near Myrick to Milepost 243.58 near Lexington, a total distance of 2.31 miles in Lafayette County, Missouri; STB Docket No. AB-33 (Sub-No. 297X)**

To whom it may concern:

On or after January 31, 2011, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Notice of Exemption seeking authority to abandon the Line from Milepost 246.49 near Myrick to Milepost 243.58, near Lexington, a distance of 2.91 miles, located in Lafayette County, Missouri (collectively the "Line"). Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Number:

Surface Transportation Board  
Section of Environmental Analysis (SEA)  
395 East Street, S.W., Room #100  
Washington, DC 20423-0001  
Telephone No.: (202) 927-6211

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three (3) weeks.

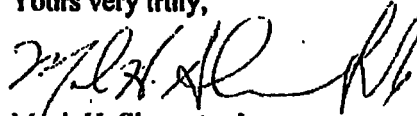
Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. UP's representative in this matter is



January 11, 2011  
Page 2

Mack H. Shumate, Jr., who may be contacted by telephone at (312) 777-2055 or by mail at 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

Yours very truly,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Mack H. Shumate, Jr.  
Senior General Attorney

## **SERVICE LIST**

### **State Clearinghouse (or alternate):**

Office of Administration  
Division of General Services  
P.O. Box 809  
Truman Building, Room 760  
Jefferson City, MO 68102

### **State Environmental Protection Agency:**

Missouri NRCS State Office  
Parkade Center, Suite 250  
601 Business Loop 70 West  
Columbia, MO 65203-2564

### **Head of each County:**

Lafayette County Supervisors  
107 South 11<sup>th</sup> Street  
Lexington, MO 64067

### **Environmental Protection Agency (Regional Office):**

U.S. Environmental Protection Agency  
Region 7  
901 N. 5<sup>th</sup> Street  
Kansas City, KS 66101

### **State Historic Preservation Office:**

Deputy State Historic Preservation Officer  
Historic Preservation Program  
P.O. Box 176  
Jefferson City, MO 65102

### **U.S. Fish and Wildlife:**

One Federal Drive  
BHW Federal Building  
Room 630  
Fort Snelling, MN 55111

### **U.S. Army Corps of Engineers:**

U. S. Army Corps of Engineers,  
St Louis District  
1222 Spruce Street  
St. Louis, MO 63103-2833

January 11, 2011  
Page 4

**National Park Service:**

National Park Service  
Pacific West Region  
601 Riverfront Drive  
Omaha, NE 68102

**U.S. Natural Resources Conservation Service:**

State Conservationist  
Natural Resource Conservation Service  
Central Regional Office  
1907 Hillcrest Drive  
Columbia, MO 65201

**National Geodetic Survey:**

National Geodetic Survey  
Geodetic System Division  
Information Services  
NOAA/NGS12  
1315 E-W Highway  
Silver Spring, MD 20910-3282



**CULTURAL RESOURCE ASSESSMENT  
Section 106 Review****CONTACT PERSON/ADDRESS****C:**

Colleen K. Graham  
Union Pacific Railroad  
1400 Douglas Street, Stop 1500  
Omaha, Nebraska 68179

Victoria Rulson, STB

**PROJECT:**

Lexington Industrial Lead, Milepost 246.49 to Milepost 243.50, Lexington, STP Docket No. AB-33 (Sub-No. 297X)

**FEDERAL AGENCY****COUNTY:**

STB

LAFAYETTE

The State Historic Preservation Office has reviewed the information submitted on the above referenced project. Based on this review, we have made the following determination:

☐

After review of initial submission, the project area has a low potential for the occurrence of cultural resources. A cultural resource survey, therefore, is not warranted.

☒

Adequate documentation has been provided (36 CFR Section 800.11). There will be "no historic properties affected" by the current project.

☐

An adequate cultural resource survey of the project area has been previously conducted. It has been determined that for the proposed undertaking there will be "no historic properties affected".

For the above checked reason, the State Historic Preservation Office has no objection to the initiation of project activities. PLEASE BE ADVISED THAT, IF THE CURRENT PROJECT AREA OR SCOPE OF WORK ARE CHANGED, A BORROW AREA IS INCLUDED IN THE PROJECT, OR CULTURAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, APPROPRIATE INFORMATION MUST BE PROVIDED TO THIS OFFICE FOR FURTHER REVIEW AND COMMENT. Please retain this documentation as evidence of compliance with Section 106 of the National Historic Preservation Act, as amended.

By:



Mark A. Miles, Deputy State Historic Preservation Officer

December 13, 2010

Date

MISSOURI DEPARTMENT OF NATURAL RESOURCES  
STATE HISTORIC PRESERVATION OFFICE  
P.O. Box 176, Jefferson City, Missouri 65102

For additional information, please contact Judith Deel, (673) 751-7862. Please be sure to refer to the project number:  
005-LF-11



STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES  
PO BOX 176  
JEFFERSON CITY MO 65102-0176

PRESORTED  
FIRST CLASS



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